

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL ACTION
	:	NO. 13-0350
vs.	:	
	:	CIVIL ACTION
SHAREEM MOORE	:	NO. 15-5137

ORDER

AND NOW, this 24th day of April, 2017, upon consideration of the defendant's motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255 (Document #37), the government's response thereto (Document #43), and the defendant's reply brief (Document #44), IT IS HEREBY ORDERED that:

1. The motion is DENIED in its entirety without a hearing.
2. The defendant's request to supplement his pending motion pursuant to the recent Supreme Court decision in Johnson v. United States (Document #45) is DENIED.¹
3. A certificate of appealability shall not issue under 28 U.S.C. § 2253(c)(2).

The Clerk of Court is directed to mark this case CLOSED for statistical purposes.

BY THE COURT:

/s/ **Lawrence F. Stengel**
LAWRENCE F. STENGEL, J.

¹ Mr. Moore's reliance on the Supreme Court's recent decision in Johnson v. United States, 135 S.Ct. 2551 (2015), is misplaced. Mr. Moore was sentenced pursuant to a plea agreement under Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure which recommended a sentence of seventy-two months' incarceration. Apart from that agreement, Mr. Moore's total offense level was 25, and his criminal history category was IV, yielding an adjusted guideline range of 84-100 months' imprisonment. The Johnson decision held that the "residual clause" in the definition of "violent felony" in the Armed Career Criminal Act, 18 U.S.C. § 924(e), was unconstitutionally vague. Mr. Moore's case did not involve the Armed Career Criminal Act. Accordingly, the Johnson decision can provide Mr. Moore no relief.

